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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/773,675	02/06/2004	Joseph A. Bruntmyer	00286-03	7536	
75	90 06/16/2006		EXAMINER		
Walter L. Bea		AVERY, BRIDGET D			
326 South Euge Greensboro, No		ART UNIT	PAPER NUMBER		
,		3618			
			DATE MAILED: 06/16/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applicati	on No.	Applicant(s)			
Office Action Summary		10/773,6	75	BRUNTMYER, JOSEPH A.			
		Examine		Art Unit			
		Bridget Av	ery	3618			
Period fo	The MAILING DATE of this communication reply	on appears on the	cover sheet with the c	orrespondence addre	ess		
WHIC - Exter after - If NO - Failu Any r	ORTENED STATUTORY PERIOD FOR FOR HEVER IS LONGER, FROM THE MAIL! is is ons of time may be available under the provisions of 37 of SIX (6) MONTHS from the mailing date of this communicat period for reply is specified above, the maximum statutory te to reply within the set or extended period for reply will, by eply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF TH CFR 1.136(a). In no ev tion. period will appty and w y statute, cause the app	IIS COMMUNICATION ent, however, may a reply be timed the spire SIX (6) MONTHS from lication to become ABANDONE	l. ely filed the mailing date of this comm D (35 U.S.C. § 133).			
Status							
2a)	Responsive to communication(s) filed on This action is FINAL . 2b) Since this application is in condition for a closed in accordance with the practice un	This action is nationallowance except	for formal matters, pro		erits is		
Disposition of Claims							
5) 6) 7)	Claim(s) 1-18 is/are pending in the applic 4a) Of the above claim(s) 10-18 is/are wit Claim(s) is/are allowed. Claim(s) 1-4 and 7-9 is/are rejected. Claim(s) 5 and 6 is/are objected to. Claim(s) are subject to restriction	thdrawn from cor					
Applicati	on Papers						
10)	The specification is objected to by the Ext The drawing(s) filed on is/are: a) Applicant may not request that any objection Replacement drawing sheet(s) including the of The oath or declaration is objected to by	accepted or b) to the drawing(s) to	ne held in abeyance. See ed if the drawing(s) is obj	37 CFR 1.85(a). ected to. See 37 CFR			
Priority u	ınder 35 U.S.C. § 119			,			
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
2) Notice	t(s) e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-9 nation Disclosure Statement(s) (PTO-1449 or PTO/ r No(s)/Mail Date <u>2/06/04</u> .		4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	te	52)		

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species I (claims 1-9 readable thereon) in the reply filed on March 30, 2006 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutzel (US Patent 5,954,349) in view of Tsai (US Patent 6,120,044).

Rutzel teaches a scooter including: a platform (3), a steering column (4, 5), the steering column (4, 5) being joined to the platform (3), a first front wheel (10), a first rear wheel (11), the first front and the first rear wheel being attached to the platform (3), a rear steering linkage/disk (9), the rear steering linkage/disk (9) connected to the first rear wheel (11); a handle (14, 15) connected with the steering column (4, 5), a cable (12) attached to the handle (14, 15) and to the rear steering linkage (9) whereby rotation of the handle (14, 15) will cause the first rear wheel (11) to rotate into alignment with the platform (3).

Rutzel lacks the teaching of a pivotable handle.

Tsai teaches a pivotable handle (32).

Based on the teachings of Tsai, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a pivot between the frame and the platform to permit the scooter to be folded to a compact configuration for storage.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler (US Patent 1,637,614) in view of Eubanks (US Patent 2,651,526).

Kohler teaches a scooter including: a platform (4 as clearly stated on line 66), a steering post/column (D), the steering post/column (D) being pivotally joined to the platform (4), a first and second front wheel (A), a first and second rear wheel (B), the front and rear wheels (A, B) being attached to the platform (4), a rear steering linkage/gear (11), the rear steering linkage/gear (11) connected to the rear wheels (B); a pivotable handle (G) connected with the steering post/column (D), a gear mechanism (F) and handle chain connection (12) attached to the handle (G) and to the rear steering linkage (11) whereby rotation of the handle (G) will cause the rear wheels (B) to rotate into alignment with the platform (4).

Kohler lacks the teaching of a cable.

Eubanks teaches a cable (56) and pulley members (46).

Kohler discloses the claimed invention except that he uses a gear and chain instead of some other type of linkage and a cable. Eubanks teaches that a chain and cable are equivalent structure known in the art. Therefore, because these two flexible members were art-recognized equivalents at the time the invention was made, one of

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ordinary skill in the art would have found it obvious to substitute a cable and pulley for a gear and chain. It is noted that Kohler and Eubanks is analogous art having the same art classification as applicant's claimed scooter.

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4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler ('614) and Eubanks ('526) as applied to claim 1 above, and further in view of Jones (US Patent 4,861,055).

The combination of Kohler and Eubanks lack the teaching of a sheath.

Jones teaches a cable enclosed in a sheath.

Based on the teachings of Jones, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the combination of Kohler and Eubanks by adding a sheath around the cable to permits its easy withdrawal and return and to avoid any substantial bending strain or tension in the steel/wire when the cable is not in use.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler ('614) and Eubanks ('526) as applied to claim 1 above, and further in view of Johnson (US Patent 4,088,334).

The combination of Kohler and Eubanks lack the teaching of a platform extension including a brake assembly.

Johnson teaches a platform extension (27) including a brake pad/wheel assembly (37).

Based on the teachings of Johnson, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to add a platform extension including a brake assembly to the combination of Kohler and Eubanks to permit a user to safely slow the vehicle to a stop. Re claim 8, the provision two smaller brake pad/wheels in place of the single brake pad/wheel would have been obvious to one having ordinary skill in the art at the time the invention was made, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

Allowable Subject Matter

6. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borg shows a skateboard apparatus.

Harvey shows a tracking scooter.

Johnson shows a skateboard with tail brake.

Boyden shows a convertible coaster steered by tilting rider support.

Rebhun shows a hand or foot operated scooter.

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Linden shows a steering device.

Daniel shows a child's coaster.

Martin shows a vehicle for children.

Griffin shows a child's coaster toy.

Allen shows a velocipede.

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

June 8, 2006

CHRISTOPHER P. ELLIS SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3600